



COMMONWEALTH OF KENTUCKY
OFFICE OF THE ATTORNEY GENERAL

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21-ORD-145

August 4, 2021

In re: Kate Holm/Lexington Police Department

Summary: The Lexington Police Department (the “Department”) did not violate the Open Records Act (“the Act”) when it denied a request for “documents contained in all of the files . . . regarding disciplinary actions against its sworn officers” as unreasonably burdensome.

Open Records Decision

Kate Holm (“Appellant”) asked the Department to provide “copies of the documents contained in all of the files maintained and/or retained by the department regarding disciplinary actions against its sworn officers.” The Appellant specifies that the scope of her request should include “records of citizen complaints, both formal and informal, and documentation of the investigation and outcome; documents related to terminations, demotions, decreases in pay or grade, suspensions, and written reprimands; and all other documents produced in the course of the investigation of any act or omission by an officer that violates criminal law, law enforcement procedures, or the general employment policies of this agency.”

In a timely response, the Department denied her request because the Appellant sought “any and all records” related to a broad topic, and this Office has historically found that such requests are unreasonably burdensome under KRS 61.876(6) and “need not be honored.” *See, e.g.*, 00-ORD-132. The Appellant then initiated this appeal.

A requester whose principal place of business is outside the county in which the public records sought are located may receive requested records by mail. KRS 61.872(3)(b). The Kentucky Supreme Court has found that, when a

requester seeks copies of public records by mail, he or she must “precisely describe” the records he or she seeks to inspect. *Commonwealth v. Chestnut*, 250 S.W.3d 655, 661 (Ky. 2008). This Office has found that a requester does not “precisely describe” records to be inspected if the request is framed as an “open-ended any-and-all-records” type of request with no limit in temporal scope or any additional information that would assist the public agency in locating responsive records. *See, e.g.*, 08-ORD-058. To “precisely describe” records to be inspected by mail, this Office has found that the requester must describe in “definite, specific, and unequivocal terms the records” sought. *See*, 97-ORD-046 * 3; 03-ORD-067. Otherwise, the request places an unreasonable burden on a public agency to spend an innumerable amount of employee time to search thousands of potentially responsive records.

To obtain copies of responsive records by mail the Appellant was required to precisely describe the records she seeks. However, she failed to precisely describe such records. For example, she provides no temporal scope, and seeks any disciplinary records about any of the Department’s officers that have ever been created. Although the Appellant did specify that she sought to inspect such citizen complaints, the request is not limited to formal citizen complaints. Any disciplinary record of any officer is implicated in the request, which would necessarily require the Department to review each and every personnel file of every officer it has ever employed. Such a task would indeed be unreasonably burdensome. That is why the Department invited the Appellant to narrow the parameters of her request, and include a date range or provide the names of specific officer’s whose personnel files she seeks to inspect. Because the Appellant’s request, as framed, would have placed an unreasonable burden on the Department, it did not violate the Act when it denied the request.

A party aggrieved by this decision may appeal it by initiating action in the appropriate circuit court pursuant to KRS 61.880(5) and KRS 61.882. Pursuant to KRS 61.880(3), the Attorney General shall be notified of any action in circuit court, but shall not be named as a party in that action or in any subsequent proceedings.

Daniel Cameron
Attorney General

/s/Matthew Ray
Matthew Ray
Assistant Attorney General

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Distributed to:

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